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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,220	07/20/2001	Charles M. Rowe	01P12721US	2703

7590 04/06/2004

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
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EXAMINER

PICKARD, ALISON K

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/910,220	Applicant(s) ROWE, CHARLES M.	
	Examiner Alison K. Pickard	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-26 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 22-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper in view of Satterthwaite in view of Lowther (4,654,550).

Cooper discloses an air gap baffle sealing system in a generator having a stator and a rotor. The sealing system 35 comprises an air gap baffle seal sandwiched between two rings 47 secured by a bolt 65. The bolt is mounted substantially parallel to the gap and the bolt head is accessible from an outer end of the generator. The baffle seal can be replaced or repaired without requiring the removal of the rotor. Cooper does not disclose that the parallel ring has a channel for receiving a seal having a hollow portion that can extend the seal from a non-sealing position to a sealing position when filled with a medium. Satterthwaite teaches an adaptable seal that can attain a sealing and non-sealing position between a stator and rotor. Satterthwaite teaches that using such a seal eliminates precise dimensioning requirements and is capable of achieving a varied degree of sealing. Satterthwaite also teaches mounting the seal in a housing (figs. 1 or 5) comprising two halves. The seal is received in a channel in at least one of the rings. The other ring can be considered an access portion. The seal has a hollow portion that can be filled with a medium, such as gas, to expand the seal to its operation (sealing) orientation. Therefore, it would have been obvious for one of ordinary skill in the art at the time the

invention was made to modify the sealing system of Cooper by using the seal taught by Satterthwaite to provide an effective seal that can be adapted between a service or non-sealing position to allow a varied degree of sealing as well as being easier to make and install.

Regarding the bolt, Satterthwaite teaches the ring and access portion are joined together by suitable fastening means, which are not shown. Satterthwaite does not disclose that the fastener is a bolt parallel to the air gap. Lowther teaches an air gap baffle sealing assembly having two parts 30 and 31 fastened together by a bolt. The bolt has a head accessible from an outer end of the generator for easy access. The bolt is parallel to the air gap. Lowther teaches the bolt is a suitable fastener to join halves together in a sealing assembly. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use a bolt to fasten the two halves of Satterthwaite together as such is taught to be a suitable fastening means by Lowther. (Note: Wilkinson, Calfo, and Buckshaw also teach a parallel bolt as a suitable fastener for mating portions in a sealing assembly.)

Response to Arguments

3. Applicant's arguments filed 1-19-04 have been fully considered but they are not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

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170 USPQ 209 (CCPA 1971). In this case, both Satterthwaite and Cooper disclose sealing assemblies having a seal sandwiched between two rings secured by a bolt. Satterthwaite teaches an improved seal that is adjustable. It is this assembly that is used to improve the desired restriction of airflow along the gap in Cooper. The modification would be made of the entire seal 35 of Cooper, not just the seal material 50. Further, it is known in the generator industry to use an adjustable sealing assembly as the air gap baffle sealing assembly as evidenced by Calfo '645. And, it is known in the sealing industry that inflatable seals offer more control of sealing degree and wear as evidenced by Satterthwaite, Calfo, and Wilkinson. It is also known that a bolt is a suitable fastening means to secure two mating components/rings together as evidenced by Wilkinson, Lowther, Calfo, and Buckshaw. One of ordinary skill in the art at the time the invention was made would have been lead to use an adjustable seal as an air gap baffle seal that offers easy installation and controlled sealing and wear.

Regarding the argument that the combination is not technically feasible, the examiner disagrees for the reasons stated above (i.e. the whole seal of Cooper would be modified, not just the sealing material). Regardless of which parts are modified, Cooper discloses that the bonded single ring is a "preferable" embodiment, not mandatory. Therefore, it is feasible that just the sealing material could be modified with the expandable seal.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**


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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alison K. Pickard whose telephone number is 703-305-0882. The examiner can normally be reached on M-F (10-7:30), with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alison K. Pickard
Primary Examiner
Art Unit 3676

AP